IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4857 of 2007()

(CRIME NO.598/07 OF PATHANAMTHITTA POLICE STATION)

PETITIONER:

SAJAN E.N., AGED 25 YEARS, S/O. MATHEW, ETTIVILAYIL HOUSE, ATTAPPALAM, KUMALY VILLAGE, PEERUMADE TALUK, NOW RESIDING AT KALAMIKKUNNATHIL HOUSE, MANNARMALA, P.O.PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

1. **THE CIRCLE INSPECTOR OF POLICE, PATHANAMTHITTA POLICE STATION.**
2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4857 of 2007

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Dated this the 10th day of August, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations in a crime registered under Section 498A IPC. The marriage took place only on 27.11.05. The spouses are blessed with one child. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that there is strain in the matrimony. Because of such strain false, exaggerated and vexatious allegations are raised. Subject to appropriate conditions anticipatory bail may be granted the petitioner, it is submitted. Investigation is in progress. The petitioner may be granted anticipatory bail, it is prayed.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case referred above , that anticipatory bail can be granted to the petitioner.

4. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioner is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 17.08.07 He shall be enlarged on regular bail on his executing a bond for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m on 18.08.07, 20.08.07 & 21.08.07 and thereafter between 10 a.m and 3 p.m on all Mondays and Fridays for a period of two months. Subsequently he shall appear before the Investigating Officer as and when directed by the Investigating Officer, in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 17.08.07, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 17.08.07.

(R.BASANT, JUDGE)

sj